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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/943,404 | 08/30/2001 | Douglas L. Sorensen | 884.438US1 | 8246 |

| 7590 | 05/23/2006 |
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| EXAMINER |
|---|
| TRAN, MYLINH T |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2179 | |

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
| **Office Action Summary** | 09/943,404 | SORENSEN ET AL. |
| | Examiner | Art Unit |
| | Mylinh Tran | 2179 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- .Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *10 January 2006*.

2a)☐ This action is **FINAL**.      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-19,21 and 22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19 and 21-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee

set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 01/10/06 has been entered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability

of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject

matter of the various claims was commonly owned at the time any inventions

covered therein were made absent any evidence to the contrary. Applicant is

advised of the obligation under 37 CFR 1.56 to point out the inventor and invention

dates of each claim that was not commonly owned at the time a later invention

was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view

of Banning et al. [US. 5,421,008].

As per claims 1, 11, 19 and 21, Li teaches a computer implemented method and

corresponding system for explaining search logic and results, comprising the

steps/means: presenting a presentation model (100 of fig. 3A) to explain how a

system model (100 of fig. 3A) relates a plurality of search input elements ("Select *

From CD-Sales" in Query Window 101 of fig. 3A) to a comparison element ("Price

< 10", "Price < 14", "Name = BIG", and "store = "Fast Sales" in Query Window 101

of fig. 3A), wherein the system model is used to determine a first search result

(107 of fig. 3A); presenting how the system model is related to the comparison

element (104 of fig. 3A); and presenting a relative importance of the system model

in comparison with the comparison element (Graph Window 102 shows how

important the system model is in comparison with the comparison element in the

Query Window 101).

Li does not disclose the comparison element is selected from a list of potential

comparison elements. Banning teaches comparison element is selected from a list

of potential comparison elements at col. 29, lines 10-25. It would have been

obvious to one of ordinary skill in the art at the time of the invention to use the

teaching from Banning of selecting comparison element from a list of potential

comparison elements in Li's system since it would have made it easier and faster

to create comparison element.

As per claim 2, Li teaches presenting how parts of the system model are related to

parts of the comparison element (Query 1 and Query 2 of fig. 3A and 3B

respectively).

As per claim 3, Li teaches presenting a relative importance of the parts of the

system model in comparison with parts of the comparison element (Graph Window

102 of fig. 3A and 3B respectively).

As per claim 4, Li teaches presenting how parts of each of the plurality of search

input elements are related to parts of the system model (Query 1 and Query 2 of

fig. 3A and 3B respectively).

As per claim 5, Li teaches presenting a relative importance of the parts of the

plurality of search input elements in comparison with the parts of the system model

(Graph Window 102 of fig. 3A and 3B respectively).

As per claim 6, it is inherent that Li's system saves the system model (query

structure).

As per claims 7, 13, and 22, Li teaches: receiving a modification to the plurality of

search input elements to create a new plurality of search input elements (fig. 3D;

col. 6, lines 10-11); determining at least a second search result (14 of fig. 3D);

updating the system model to create a new system model incorporating the

modification (100 of fig. 3D); presenting how the new system model is related to

the comparison element (142 of fig. 3D); and presenting a new relative importance

of the new system model in comparison with the comparison element (102 of fig.

3D).

As per claim 8, Li teaches a machine for explaining search logic and results,

comprising: a processor (22 of fig. 2); a storage device coupled to the processor

(26 of fig. 2); a search component storable on the storage device and executable

on the processor to accept at least one search input element ("Select * From

CD-Sales" of fig. 3A) and determine a first search result using a system model

(results 107 of fig. 3A); and a presentation component storable on the storage device and executable on the processor to create a presentation of a presentation model relating the system model to one of the first search result (102 and 103 of fig. 3A).

Li does not disclose the comparison element is selected from a list of potential comparison elements. Banning teaches comparison element is selected from a list of potential comparison elements at col. 29, lines 10-25. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the teaching from Banning of selecting comparison element from a list of potential comparison elements in Li's system since it would have made it easier and faster to create comparison element.

As per claim 9, Li teaches: the processor is a server (col. 3, lines 14-24); and further wherein the processor is capable of receiving the at least one search input element from a client (col. 3, lines 28-33).

As per claim 12, Li teaches: presenting a contribution of parts of the comparison element to parts of the system model (Query 1 and Query 2 of fig. 3A and 3B respectively); and presenting a relative importance of parts of the system model in comparison with parts of the comparison element (Graph Window 102 of fig. 3A and 3B respectively).

As per claim 16, Li teaches the application is a database application (col. 1, lines 64-67).

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as

set forth in section 102 of this title, if the differences between the subject matter sought to be

patented and the prior art are such that the subject matter as a whole would have been obvious at

the time the invention was made to a person having ordinary skill in the art to which said subject

matter pertains. Patentability shall not be negatived by the manner in which the invention was

made.


Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view

ofBanning and further in view of Hsu (US 6,374,079).

As per claim 10, Li does not disclose the processor is capable of communicating in

a wireless Internet environment. Hsu teaches a processor is adapted as an entry

point onto network for wireless users having wireless Internet services (col. 7, line

63 - col. 8, line 8). It would have been obvious to an artisan at the time of the

invention to use the teaching from Hsu of processor capable of communicating in

a wireless Internet environment in Li's system since it would be convenient and

easy to adapt to wireless Internet technology.


Claims 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Li in view of Banning and further in view of applicant's admitted

prior art.

As per claims 14, 15, 17, and 18, Li does not disclose his explaining search

queries are applied to electronic mail, Internet search engine, e-commerce, and

document management. These features are taught by applicant's admitted prior

art. It would have been obvious to an artisan at the time of the invention to modify

Li's explaining search queries to implement in electronic mail, Internet search

engine, e-commerce, and document management systems since it would have

presented an overview of search presentation to users.

### Response to Arguments

Applicant argued the following:

(a) Li does not disclose either a "presentation model" or a "system model" as

claimed.

(b) Li does not make any efforts to explain how the query is processed to arrive at

the result.

© Office Action is taken to be admitted prior art.

Examiner disagree for the following reason:

(a) Applicant's arguments have been fully considered but they are not persuasive.

As claimed by the independent claims, the "presentation model" is used to explain

how a system model relates a plurality of search input elements to a comparison

element. The presentation shown in figure 3A is clearly a "presentation model" that

includes three windows Query Window 101, Graph Window 102 and Tree Window

103. These three windows are used to explain (in query structure 101, tree

hierarchical 103 and graph 102) how a search structure (or system model) relates

a plurality of search input elements (e.g., search input elements from table

CD-Sales) to a comparison element (e.g,, "Price > 10", "Price < 14", "Name = BIG"

and "store = Fast Sales"). Also, as claimed by the independent claims, the "system

model" is used to determine a search result. In this case, the system model is

merely a search structure such as the Query 1 in window 101 of figure 3A that is

used to determine a search result 107. Therefore, Li clearly teaches a

"presentation model" and a "system model" as claimed.

As indicated in Applicant's responses, a system model is "a collection of data and

control concepts used in the software running on the computing device, such as a

search profile" while a presentation model is " a way of envisioning the process of

executing the search, which is how the computing device does the search, how

the user conceptualizes the search, which is how the computing device does the

search, how the user conceptualizes the search".

Figure 3A is the process of executing the search that including the Query Window

and the results. In order to obtain the results, the system has to compute the

search by processing the search queries.

Also, Figure 3A is a collection of data and a search profile.

The Applicant does not specify the invention in the claimed language. The claimed

language itself "presentation model" and "system model" are broad terms and

does not specify the invention. They are not clearly enough to describe

"presentation model" and "system model" of the specification.

During patent examination, the pending claims must be "given >their< broadest

reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d

1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are

interpreted in light of the specification, limitations from the specification are not

read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and

broad interpretation by the examiner reduces the possibility that the claim, once

issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d

1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

Therefore, Li still reads over the claimed language itself "presentation model" and

"system model".

(b) Li et al. show to explain how the query is processed to arrive at the result. The

three windows Graph Window, Query Window and Tree Window are used to

explain (in query structure 101, tree hierarchical 103 and graph 102) how a search

structure (or system model) relates a plurality of search input elements (e.g.,

search input elements from table CD-Sales) to a comparison element (e.g,, "Price

> 10", "Price < 14", "Name = BIG" and "store = Fast Sales").

The claimed language itself "to explain how a system model relates a plurality of

search input elements" is a broad term and does not specify the invention.

© The background of the specification teaches the application being an electronic

mail application, an Internet search engine, a database application and an e-

commerce application at page 1, 0001.

### Conclusion

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Mylinh Tran. The examiner can normally be

reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or
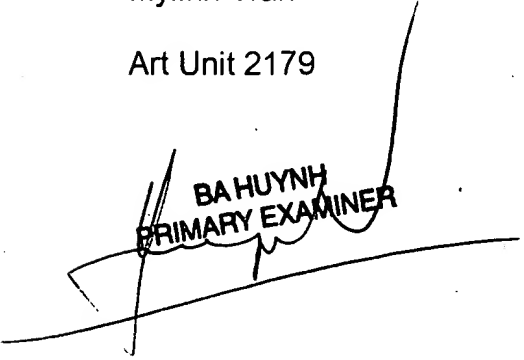
proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

BA HUYNH
PRIMARY EXAMINER